

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

Brian Dale Bowers, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )  
                        )  
Captain Marvin Nix, )  
                        )  
Defendant.           )  
                        )

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C/A No. 1:19-876-TMC

**ORDER**

Plaintiff Brian Dale Bowers, proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983 alleging claims that his constitutional rights were violated by Defendant Captain Marvin Nix of the Pickens County Detention Center. (ECF No. 1). On April 17, 2019, Magistrate Judge Shiva V. Hodges issued a Report and Recommendation (“Report”) recommending that this action be dismissed with prejudice. (ECF No. 10).<sup>1</sup> Plaintiff was advised of his right to file objections to the Report. *Id.* at 6. However, Plaintiff has not filed any objections to the Report, and the time for doing so has expired.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th

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<sup>1</sup>In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2), D.S.C., all pre-trial proceedings were referred to a magistrate judge.

Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal the district court's judgment based upon that recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and the record in this case, the court adopts the Magistrate Judge's Report (ECF No. 10) and incorporates it herein. Accordingly, this action is **DISMISSED with prejudice.**

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

Anderson, South Carolina  
May 8, 2019

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.